



PRISONER TRANSPORTATION SERVICES, LLC

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VIA ELECTRONIC MAIL

The Honorable Elizabeth Warren, United States Senate
The Honorable Cory A. Booker, United States Senate
The Honorable Ted Deutch, United States House of Representatives
Congress of the United States
Washington, D.C. 20510

Re: Prisoner Transportation Services, LLC ("PTS")

Dear Senator Warren, Senator Booker and Congressman Deutch:

Thank you for your letter of February 27, 2019 and the opportunity to provide information regarding standards and operating procedures for the private prisoner transportation industry and, specifically, PTS. This company is one of several private transporters offering comprehensive *prisoner* transportation services for law enforcement agencies across the United States, including state departments of correction, prosecutor's offices, sheriff's offices, probation and parole agencies, police departments, public defenders, federal law enforcement agencies and juvenile justice agencies. PTS will transport more than 26,000 detainees and travel more than six million miles this year.

Transporting prisoners is an inherently difficult business with unique logistical and safety considerations that are different from most industries. As your letter notes, the regulatory guidance for this industry is "Jeanna's Act" or the "Interstate Transportation of Dangerous Criminals Act of 2000" *Public Law 106-560*, 114 Stat. 2784 (42 U.S.C. 13726b) (enacted December 21, 2000) (the "Act"), which provides "minimum security and safety standards for private companies that transport violent prisoners on behalf of state and local jurisdictions." The Act requires that each transported pretrial detainee and incarcerated person be treated as a "dangerous criminal."

PTS and its subsidiaries, particularly over the last three years, have taken a leadership role in attempting to improve the industry standards of prisoner transportation. As a result, starting in early 2016, PTS embarked upon a thorough and complete review of, and revision to, our agent training standards, practices and programs. This process was completed by the end of 2016 and new training and compliance standards were implemented as of January 1, 2017.

The following are some of the policies and procedures implemented as a result of that process and currently in effect:

- 100 hour training curriculum
- Revised training on source and limits of authority
- Revised training regarding PREA



- Revised training on use of restraints
- Revised training on use of force
- Training on CPR and basic first aid
- Revised training regarding recognizing serious injuries
- Revised training on responding to medical emergencies, including providing 24-hour contact to senior management in the event of an emergency
- Driver training using the Smith Systems Defense Driving Course
- Field Training Program to assist in further training on the road and to provide auditors for field audits
- Revised policies regarding transporting of pregnant females, insulin dependent diabetics, those with heart conditions and other inmates with medical needs
- Revised policy to provide restroom breaks every 2-4 hours
- Revised policies regarding feeding and water
- Field Directives Manual provided to agents electronically for easy access
- Provided 17 hours of live in-office assistance to agents in the field and 24 hour access to on-call and senior management.

In addition to these training programs, beginning in April 2016, PTS and its subsidiaries began replacing each transport unit with a new Ram Promaster 3500 high roof van, equipped with the following:

- Safety enclosures fabricated by American Aluminum (Perry, Florida) providing segregated seating for up to eleven (11) inmates with a 4,4,2,1 segregation layout to accommodate separation between male and female inmates or special behavior segregation requirements. (This has resulted in fewer inmates being transported, reducing capacity from twelve (12) to eleven (11).);
- Three (3) closed circuit high definition continuous recording infra-red capable cameras which capture audio and video onto a secured recording device only accessible by the home office operations team;
- A fully compliant DOT sleeper berth (The Ram Promaster is the only current van in production that has dimensions to permit the installation of a DOT regulation sleeper berth.);
- ELD (Electronic Logging Device) in each unit to electronically record DOT hours of service to ensure compliance with DOT drive time limits;
- Seat belts for each of the eleven (11) inmate seats as well as for the two agents on board;
- Speed limiting devices which restrict the vehicle to a maximum speed of 70 mph;
- Two (2) internal cabin temperature sensors located in the inmate seating area to monitor interior cabin temperatures (These monitors will send an automatic alert to the home office operations team in the event the cabin temperatures are below or above preset limits.);



- First-aid safety kits are in place in all vehicles;
- Comprehensive GPS central monitoring (In addition, we are just beginning to implement “GEO Fencing” for each van route to ensure agent compliance with guidance instructions.);
- Food service access doors which can only be operated when a vehicle is parked and the exterior doors are open; and
- Increased the space in the transport vehicles from 314 cubic feet to 462 cubic feet.

Besides overhauling training standards, practices and programs and making substantial capital investments to replace each transport unit, PTS adheres to other general policies to improve and enhance safety goals, including:

- In addition to DOT mandated drive time allowances, PTS requires each agent team to house inmates in a secure facility (generally local jails) for 24 hours after each 48 hours of travel time. Our agents spend the 24 hour rest period in local motels.
- Despite the allegations from the Marshall Project, as referenced in your letter, agents are not paid on a per mile or incentive pay plan. Each agent is paid hourly and, therefore, has no incentive to push for extra miles during a trip.
- No agents are bonused or otherwise incentivized to complete trips early or faster.

PTS strives day in and day out to conduct business in compliance with all applicable laws and regulations, industry standards and internal policies and procedures. Despite the challenges of this industry, safety and compliance are of the utmost importance to us. We are committed to doing things right and being an industry leader in developing and implementing best practices as this industry grows and evolves. As PTS has sought to assume a leadership role in this industry and improve the minimum standards set forth in the Act, we have developed a Requirement and Industry Best Practices for Prisoner Transport Companies (“Best Practices,” attached as Exhibit A).

Over the past year, PTS has encouraged each of our customers as contracts are renewed, to include these Best Practices as a requirement within their bid specifications. Several agencies have indicated a willingness to do this. PTS believes these practices can significantly improve the safety of inmates, agents and the general public. They also can lead to a better transport experience for the inmates. Finally, they also ensure each qualified bidder must play by the same rules. Historically, a lack of standards has allowed the “low cost provider” to prevail in bidding for transports, simply due to a lack of transport standard requirements.

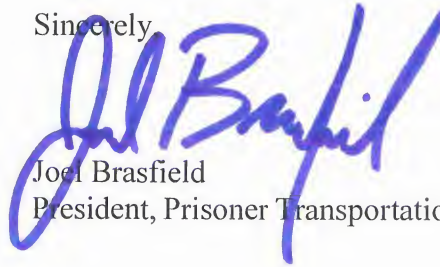
Many of the documents and some of the information specifically requested by your letter cannot be provided in the timeframe required or are subject to ongoing litigation. Notwithstanding such, PTS appreciates your willingness to better understand the issues surrounding the private prisoner transportation industry. We are more than willing to meet with you in an attempt to engage in a meaningful discussion about how to further improve this



important function serving the state and local law enforcement community, while ensuring that inmates, agent staff and the general public are protected.

Should you have questions, need additional information or prefer to meet or discuss further, please do not hesitate to contact me at (615) 352-9798.

Sincerely,



Joel Brasfield
President, Prisoner Transportation Services, LLC

cc: Charles Robert Bone
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511 Union Street-Suite 1600
Nashville, TN 37219





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To: Our Valued Clients and Prospective Customers

Re: Requirements and Industry Best Practices for Prisoner Transport Companies

Law enforcement agencies increasingly use private prisoner transport companies to fulfill their prisoner transports in a cost effective, safe, and timely manner. As the prisoner transport industry matures, more and more agencies find it difficult to select a prisoner transport provider based solely on price.

We have been asked by a number of our clients to provide a template outlining both the minimum regulatory requirements and more importantly, the best practices for private prisoner transport companies. These guidelines may be shared with your agency purchasing department to assist in the selection process of a prisoner transportation company.

Federal Regulations: Prisoner Transportation Companies

Statutes and Regulations:

Private prisoner transportation companies are governed by 34 USC 60103 known as "Jenna's Act".

The act and accompanying regulations require:

- Minimum standards for background checks and pre-employment drug testing for potential employees, to disqualify persons with a felony conviction or domestic violence conviction.
- Minimum standards for the length and type of training that employees must undergo before they can transport prisoners not to exceed 100 hours of preservice training focusing on the transportation of prisoners. Training shall be in the areas of use of restraints, searches, use of force, including use of appropriate weapons and firearms, CPR, map reading, and defensive driving.
- Restrictions on the number of hours that employees can be on duty during a given time period. Such restriction shall not be more stringent than current applicable rules and regulations concerning hours of service promulgated under the Federal Motor Vehicle Safety Act.
- Requirement that officer to prisoner ration not exceed 1 agent for every 6 violent prisoners.
- Minimum standards for employee uniforms and identification that require wearing of a uniform with a badge or insignia identifying the employee as a transportation officer.
- Minimum requirements for the restraints that must be used when transporting violent prisoners, to include leg shackles and double-locked handcuffs, when appropriate.

U.S. Department of Transportation

Any company in the business of transporting inmates interstate and:

- Has a gross vehicle weight rating or gross combination weight rating, or gross vehicle weight or gross combination weight, of 4,536 kg (10,001 pounds) or more, whichever is greater; or
- Is designed or used to transport more than 8 passengers (including the driver) for compensation; or
- Is designed or used to transport more than 15 passengers, including the driver, and is not used to transport passengers for compensation.

Is required by FMCSA to obtain a USDOT Number and comply with the Federal Regulations.

Any prisoner transportation company must comply with this requirement. Many companies try to get around these requirements by using small sedans, or mini-vans, which are not as safe and secure as dedicated transport vehicles designed and outfitted for prisoner transport.

The FCMSA also requires minimum insurance of:

- \$1.5MM (15-passenger or less)
- \$5.0MM (15-passenger or more) Commercial (CDL drivers required)

You should obtain a Certificate of Insurance yearly from your vendor and make sure that the insurance provided does not exclude operating the vehicle for hire or transporting prisoners.

Federal Motor Carrier Safety Administration (FMCSA) Requirements Operating Authority/ Motor Carrier Number (MC#)

- Operating Authority means the registration (MC#) as required by 49 U.S.C. 13902, 49 CFR part 365, 49 CFR part 368, and [49 CFR 392.9a](#) and is required by all companies in the business of transporting passengers for hire.

Every Prisoner Transportation Company must have Operating Authority with a valid (non-expired) MC# per Federal Law.

DOT SAFETY RATING

In addition to having Operating Authority with an MC# and requiring a USDOT #, a company in the business of transporting inmates must have all driver's complete DOT physicals, complete driver's history check on all employees, comply with driver duty hours (ELD tracks this), have compliant sleeper berths with minimum measurements as outlined per the DOT, run vehicles through annual inspections, keep Motor Vehicle Reports on file, report crashes, and much more ensuring that they are operating legally and safely across our Country's interstates with their passengers.

This is a significant amount of information to keep track of and if you are the agency using this company it could become overwhelming. This is why the FMSCA has created a Safety Rating System that is determined after the company has been through a safety check from the DOT, auditing the company's compliance with all of their requirements and laws.

The minimum standard for a Prisoner Transportation Company should be a **SATISFACTORY RATING** with the DOT.

Any company who has been in business for a minimum of 1.5 years should have their initial Safety Inspection completed by the DOT. Therefore, any Prisoner Transport Company should have a Safety Rating if they are operating legally after 2 years unless some extenuating circumstances are present.

Because of this, most agencies require a minimum of 3 years in business to bid on a contract or before they will consider using them as a service provider.

Electronic Logging Devices (ELD)

Per the Department of Transportation and FMCSA, as required by *MAP-21*, § 395.8(a)(1) directs a motor carrier operating CMVs to install and require each of its drivers to use an ELD to record the driver's duty status no later than December 18, 2017.

This system is used to measure the drivers' duty time to ensure the company is compliant with the laws governing the safety of interstate commerce and the safe transportation of their passengers.

COMPANY SNAPSHOT

The *Company Snapshot* is a concise electronic record of a company's identification, size, commodity information, and safety record, including the safety rating, a roadside out-of-service inspection summary, and crash information. The *Company Snapshot* is available via an ad-hoc query (one carrier at a time) free of charge.

You can check a company's Safety Rating on the Company Snapshot Page here:

- safer.fmcsa.dot.gov/CompanySnapshot.aspx

Best Practices for Contracting with Private Prisoner Transport Companies

The following recommendations are minimum requirements that in many cases have been adopted by your peers and that we have seen in contracting to perform prisoner transportation services. We believe such provisions improve transparency to the purchasing departments and agencies and enhance the safety of both prisoners and agents while performing interstate prisoner transportation:

Insurance Requirements:

In addition to the mandated auto liability insurance required above by FMCSA, private transport companies should maintain a minimum of:

- \$3.0MM (including Excess Umbrella Coverage) in Commercial General Liability insurance,
- \$1.0MM in Workers Compensation insurance,
- \$1.0MM in Professional Liability insurance

Any company who is properly insured should provide a Certificate of Insurance and some documentation from the insurance company or agent stating they are fully aware the company is in the business of transportation of inmates on their Auto Liability, General Liability, Workers Compensation, and Professional Liability policies.

If an insurance company is not aware that a company is in the business of transporting inmates the company and ultimately you may not be covered in the event of an accident or death.

Fleet Requirements:

Many contracting agencies require specific fleet requirements for their private prisoner transport vendor. The following are examples we believe should be incorporated in any contract for prisoner transportation services:

- Seatbelts for each agent AND prisoner being transported in any vehicle transporting 15 passengers or less.
- A minimum of three (3) working video cameras with secure recording equipment with a minimum of 7-day recording retention.
- A secondary and independent heating and air conditioning system serving prisoner areas.
- Global positioning system equipment to allow vehicles to be tracked and located nationwide on a real-time basis.
- Communication device to allow communication to and from law enforcement agencies or home office nationwide.
- Speed limiting devices set to allow the speed of the transport vehicles to be limited to 70 mph.
- Segregated Prisoner seating with a minimum of 3 segregation areas.
- Food delivery access doors that allow prisoner food service without requiring prisoner ingress and egress doors to be opened.
- Sleeper berth with a minimum dimension of 24" X 24" X 75".
- Vehicles available for inspection upon request to ensure compliance with the bid/contract and vehicle requirements.

Additionally, in order to ensure that the company can provide responsive and timely service a transport company should have either:

A) Six transport vehicles (combination of Vans or Busses) or,

B) One transport vehicle for each \$15,000 of anticipated annual transport volume the agency expects to purchase.

You should ensure all vehicles are insured by checking the *Company Snapshot* (link above) and look for the number of "Power Units". The number of power units should match the number of vehicles that are listed in the fleet size on the bid/contract.

[END]

Should you have any questions or seek clarification on any of the above, please feel free to contact your local Department of Justice Representative, Department of Transportation Representative, or our President and General Counsel, Joel Brasfield at jbrasfield@prisonertransport.net.

Thank you for your time and for helping us create a higher standard in the Prisoner Transportation Industry.

Semper Fidelis,

Dustin Baldwin

Executive Vice President of
Business Development

Prisoner Transportation Services, LLC

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